

**II. REMARKS**

Claims 1, 2, 6, 8-14, 17, and 19-22 are pending. Claims 3-5, 7, 15, 16, and 18 are cancelled. Claims 1, 2, 6, 8-14, 17, and 19-20 stand rejected. Claims 1, 2, 6, 8-14, 17, 19, 20 have been amended. New claims 21 and 22 are added; no new matter has been introduced.

**In the Drawings:**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 15, 17.

A replacement sheet is submitted which Applicants believe addresses the Examiner's objection and further believe that all the drawings are in compliance with 37 CFR 1.84(p)(5).

**Claim Rejections - 35 U.S.C. § 102 over Spencer**

Claims 1, 3, 5-10, and 12-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,647,609 to Spencer et al. (Spencer).

Claims 3, and 7 have been cancelled therefore regarding these claims the Examiner's rejection over Spencer is mute.

Independent claims 1 and have been amended to reflect that the claimed airbag is mounted in the back rest of the seat and that upon inflation the tether divides the airbag interior into two chambers positioned between an occupant of the seat and a side of the vehicle. Support for the amendments may be found on page 4, lines 14-17, page 7, lines 5-17, Figure 8 and throughout the specification.

**Regarding claims 1, 10 and 14**

The Examiner states, among other things, that Spencer discloses a tether with a first end secured to the outboard contact face of the cushion and a second end connected to the inboard contact face of the cushion (Page 3 part 5 of the office action). In contrast, the tether as presently claimed extends from the rearward of the vehicle toward the frontward side of the vehicle and is not secured to an outward contact face of the airbag.

The Examiner also states that Spencer discloses the tether extending from a point adjacent the portion configured to receive the gas generator to a point adjacent the portion configured to receive the gas generator. (page 4, first paragraph and modified figure 2 of the office action.)

Applicants submit that figure 2 of the Spencer disclosure shows the portion configured to receive the gas (59) located in the lower portion of the cushion adjacent the vehicle seat when the module is mounted in the seat. The tether of Spencer does not extend from a point in or adjacent the portion configured to receive the gas; both ends of the tether of Spencer are remote from the portion configured to receive the gas.

Even if the tether is interpreted as the Examiner has done, the orientation of the tether in Spencer does not disclose the orientation of the tether in the airbag as claimed in claims 1 or 10 of the present application. The tether of Spencer extends longitudinally and serves to restrict the lateral length where the cushion has an upper and lower portion which is formed by the tether. (column 6, lines 4-7 and 35-37) In contrast the tether of the present disclosure serves to divide the air-bag interior into two chambers positioned between an occupant of the seat and a side of the vehicle.

At page 9 of the office action, line 1, the Examiner also rejects Claim 14 under 35 U.S.C. 102(b) over Spencer the same arguments made for claims 1 and 10 apply equally to Claim 14.

For at least the reasons above, Spencer does not anticipate claims 1, 10 and 14. The arguments apply equally to the remainder of the pending claims as they are all dependent from claims 1, 10 or 14.

Claim Rejections - 35 U.S.C. § 102 over Heinz et al

Claims 1, 3-4 and 8-10 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,073,959 to Heinz et al. (Heinz). Claim 3 is cancelled therefore regarding the Examiner's rejection of claim 3 over Heinz is moot.

The air-bag of Heinz is mounted on an interior panel of a side door (col. 2, line 53). When the gas bag of Heinz is inflated, the lower chamber (19) is moved in the direction of the occupant. (Col 2, lines 11-12 and Col 4, lines 23-24.)

In contrast, the pending claims are directed to an air-bag that is mounted in the back rest and where the air-bag inflates toward the door.

In addition, the gas bag of Heinz is divided into two chambers 19, 20 that are located one above the other with the first, bottom chamber 19 being associated with the thoracic and pelvic area of the occupant. (column 3, lines 2-7) And the second chamber is associated with the head area of the occupant. (column 4, lines 30-33). In contrast, the pending claims are directed to an airbag in which the tether divides the air-bag interior into two chambers positioned between an occupant of the seat and a side of the vehicle and not one atop another.

For at least the reasons above, Applicants submit that none of the pending claims are anticipated by Heinz.

Claim Rejections - 35 U.S.C. § 102 over Oe et al.

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,676,395 to Oe et al. (Oe).

In contrast to the pending claims which require the airbag to be adapted to be mounted to a vehicle seat back, Oe describes a side airbag mounted on door of vehicle. Oe further describes that a restraining strap is positioned to make a flat sphere upon inflation and that the air-bag is arranged on the occupant side of the inflator. The tether of Oe functions to limit the inward expansion of the bag. In contrast, the in the presently claimed airbag the tether serves to restrict the longitudinal extension of the side airbag in the driving direction and the tether divides the air-bag interior into two chambers positioned between an occupant of the seat and a side of the vehicle. For at least the reasons above, Applicants submit that none of the pending claims are anticipated by Oe.

Claim Rejections - 35 U.S.C. § 103 over Spencer

Claims 2, 11, 14 and 16-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,647,609 to Spencer et al. (Spencer). Claims 16, and 18 are cancelled therefore regarding those claims the Examiner's rejection over Spencer is moot.

As discussed in detail above Spencer does not anticipate Claims 1, 10, or any of their dependent claims.

The Examiner has not provided any rational or cited any art which makes up for the deficiencies of Spencer as discussed above. Therefore, Applicants submit that that the pending claims are not anticipated or obvious over Spencer.

Claim Rejections - 35 U.S.C. § 103 over Heinz et al

Claims 2, 11, 14 and 19-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,073,959 to Heinz et al. (Heinz).

As discussed in detail above Heinz does not anticipate Claims 1, 10, 14, or any of their dependent claims.

The Examiner has not provided any prior art or rationale that makes up for the deficiencies of Heinz discussed above. Therefore, Applicants submit that that the pending claims are not anticipated or obvious over Heinz.

Claim Rejections - 35 U.S.C. § 103 over Heinz in view of Spencer

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,647,609 to Spencer et al. (Spencer) in view of U.S. Patent No. 6,073,959 to Heinz et al. (Heinz).

Claims 4 and 15 have been cancelled and therefore this rejection is moot.

CONCLUSION

Applicants believe that all the pending claims are in condition for allowance. Applicants request reconsideration, withdrawal of the rejections, and allowance of the application. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contact the Attorney of the Applicant at the earliest convenience of the Examiner.

Respectfully submitted,

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